

AGENDA MEMO

CITY COUNCIL MEETING DATE: DECEMBER 5, 2007

DEPARTMENT: PLANNING AND DEVELOPMENT

ITEM DESCRIPTION: SDR-17720 - APPLICANT/OWNER: CARS-DB4, LP.

THIS ITEM WAS HELD IN ABEYANCE FROM THE NOVEMBER 7, 2007 CITY COUNCIL MEETING AT THE REQUEST OF THE APPLICANT.

**** CONDITIONS ****

Staff recommends DENIAL. The Planning Commission (6-0 vote) recommends APPROVAL, subject to:

Planning and Development

1. Conformance to the conditions for Review of Condition (ROC-17721) if approved.
2. This approval shall be void two years from the date of final approval, unless a building permit has been issued for the principal building on the site. An Extension of Time may be filed for consideration by the City of Las Vegas.
3. All development shall be in conformance with the site plan, landscape plan, and building elevations, date stamped 10/24/06, except as amended by conditions herein.
4. A Waiver from Title 19.12 is hereby approved, to allow a zero foot landscape buffer along the western perimeter where eight feet is required.
5. A revised site plan shall be submitted to and approved by the Planning and Development Department, prior to the time application is made for building permit, to reflect the changes herein.
6. A technical landscape plan, signed and sealed by a Registered Architect, Landscape Architect, Residential Designer or Civil Engineer, must be submitted prior to or at the same time application is made for a building permit. A permanent underground sprinkler system is required, and shall be permanently maintained in a satisfactory manner; the landscape plan shall include irrigation specifications. The technical landscape plan shall include the following changes from the conceptual landscape plan to show additional landscape buffers and additional trees.
7. Pre-planting and post-planting landscape inspections are required to ensure the appropriate plant material, location, size of planters, and landscape plans are being utilized. The Planning and Development Department must be contacted to schedule an inspection prior to the start of the landscape installation and after the landscape installation is completed. A certificate of occupancy will not be issued or the final inspection will not be approved until the landscape inspections have been completed.

8. All mechanical equipment, air conditioners and trash areas shall be fully screened in views from the abutting streets.
9. All utility boxes exceeding 27 cubic feet in size shall meet the standards of LVMC Title 19.12.040.
10. Parking lot lighting standards shall be no more than 30 feet in height and shall utilize downward-directed lights with full cut-off luminaries. Lighting on the exterior of buildings shall be shielded and shall be downward-directed. Non-residential property lighting shall be directed away from residential property or screened, and shall not create fugitive lighting on adjacent properties.
11. Properly striped and located parking spaces shall be provided to accommodate 18 handicapped accessible parking spaces.
12. A fully operational fire protection system, including fire apparatus roads, fire hydrants and water supply, shall be installed and shall be functioning prior to construction of any combustible structures.
13. All City Code requirements and design standards of all City Departments must be satisfied, except as modified herein.
14. A revised site plan to add trees on the north property line, subject to approval of Planning and Development staff, shall be submitted prior to the City Council hearing.

Public Works

15. Remove all substandard public street improvements and unused driveway cuts adjacent to this site, if any, and replace with new improvements meeting current City Standards concurrent with development of this site.
16. A Traffic Impact Analysis must be submitted to and approved by the Department of Public Works prior to the issuance of any building or grading permits, or the submittal of any construction drawings. Comply with the recommendations of the approved Traffic Impact Analysis prior to occupancy of the site. The Traffic Impact Analysis shall also include a section addressing Standard Drawings #234.1 #234.2 and #234.3 to determine additional right-of-way requirements for bus turnouts adjacent to this site, if any; dedicate all areas recommended by the approved Traffic Impact Analysis. All additional rights-of-way required by Standard Drawing #201.1 for exclusive right turn lanes and dual left turn lanes shall be dedicated prior to or concurrent with the commencement of on-site development activities unless specifically noted as not required in the approved Traffic Impact Analysis. Phased compliance will be allowed if recommended by the approved Traffic Impact Analysis. No recommendation of the approved Traffic Impact Analysis, nor compliance therewith, shall be deemed to modify or eliminate any condition of approval imposed by the Planning Commission or the City Council on the development of this site.

17. A Drainage Plan and Technical Drainage Study must be submitted to and approved by the Department of Public Works prior to the issuance of any building or grading permits, submittal of any construction drawings or the submittal of a Map subdividing this site, whichever may occur first. Provide and improve all drainageways recommended in the approved drainage plan/study. The developer of this site shall be responsible to construct such neighborhood or local drainage facility improvements as are recommended by the City of Las Vegas Neighborhood Drainage Studies and approved Drainage Plan/Study concurrent with development of this site. In lieu of constructing improvements, in whole or in part, the developer may agree to contribute monies for the construction of neighborhood or local drainage improvements, the amount of such monies shall be determined by the approved Drainage Plan/Study and shall be contributed prior to the issuance of any building or grading permits, or the recordation of a Map subdividing this site, whichever may occur first, if allowed by the City Engineer.
18. Landscape and maintain all unimproved right-of-way, if any, on Sahara Avenue adjacent to this site.
19. Obtain an Occupancy Permit for all landscaping and private improvements in the Sahara Avenue public right-of-way adjacent to this site.

** STAFF REPORT **

PROJECT DESCRIPTION

This application is a request for a Site Development Plan Review for an expansion and renovation at an existing Automobile Dealership at 6300 West Sahara Avenue. The applicant's proposal will include a new 11,137 square-foot service drop off area, a 3,255 square-foot vehicle delivery area, and a 25,760 square-foot service area addition. The existing facility will also undergo an interior and exterior remodel for a total gross floor area of 108,290 square feet.

An associated Review of Conditions (ROC-17721) application has been submitted in conjunction with this Site Development Plan Review. The expansion of the existing facility will encroach into the 200-foot area located on the northern half of the site which has been limited to parking only set forth by Z-0099-96, Condition #3.

BACKGROUND INFORMATION

<i>Related Relevant City Actions by P&D, Fire, Bldg., etc.</i>	
10/16/96	The City Council approved a Rezoning and Plot Plan Review (Z-0099-96) for a New Car Dealership. Planning Commission and staff recommended approval.
9/16/05	Code Enforcement Case# 33946: Displaying autos in the landscape areas
6/22/06	Code Enforcement Case# 43718: Displaying autos in the landscape areas
4/13/06	Planning Commission denied a request for a Site Development Plan Review (SDR-12032) to keep four cement landscape display pads in the front landscape perimeter buffer area and a waiver to perimeter landscape standards. Staff recommended denial.
11/16/06	Code Enforcement Case# 48063: Illegal signage.
12/08/06	The Planning Commission accepted the applicant's request for an abeyance to the 2/08/07 Planning Commission. Staff recommended denial.
08/09/07	The Planning Commission recommended approval of companion item ROC-17721 concurrently with this application.
	The Planning Commission voted 6-0 to recommend APPROVAL (PC Agenda Item #30/mh).
<i>Related Building Permits/Business Licenses</i>	
4/24/98	C-54-97: New construction for a 64,807 square foot auto dealership
5/3/98	Building Certificate of Occupancy issued by the City of Las Vegas Building & Safety Department
5/03/05	Business Licenses # A19-00143 (Auto rental agency) & A16-01002 (Automobile sales) for Desert Toyota & Scion of Southern Nevada,
8/12/06	L-2096-05: Full cantilevered shade structure installed

<i>Pre-Application Meeting</i>	
07/07/06	A pre-application meeting was held with staff concerning the condition restricting construction in the 200 feet of the northern portion of the site placed by case #Z-0099-96. The applicant was informed that they will also need to submit a Site Development Plan Review in addition to the Review of Conditions application.
<i>Neighborhood Meeting</i>	
08/23/06	The applicant states in the justification letter that a neighborhood meeting was held with approximately 10 neighbors present. The meeting time, location, and attendance were not provided.

<i>Details of Application Request</i>	
<i>Site Area</i>	
Net Acres	8.76 acres

Surrounding Property	Existing Land Use	Planned Land Use	Existing Zoning
Subject Property	Auto Dealership	GC (General Commercial)	C-2 (General Commercial)
North	Single Family Residential	L (Low Density Residential)	R-1 (Single Family Residential)
South	Clark County - Auto Dealership	Clark County	Clark County
East	Electric Utility Offices	SC (Service Commercial)	C-1 (Limited Commercial)
West	Shopping Center	SC (Service Commercial)	C-1 (Limited Commercial)

<i>Special Districts/Zones</i>	<i>Yes</i>	<i>No</i>	<i>Compliance</i>
Special Area Plan		X	NA
<i>Special Districts/Zones</i>	<i>Yes</i>	<i>No</i>	<i>Compliance</i>
Special Purpose and Overlay Districts		X	NA
Trails		X	NA
Rural Preservation Overlay District		X	NA
Development Impact Notification Assessment		X	NA
Project of Regional Significance		X	NA

DEVELOPMENT STANDARDS

Pursuant to Title 19.08, the following standards apply.

Standard	Required/Allowed	Provided	Compliance
Min. Lot Width	100 Feet	582 feet	Y
Min. Setbacks			
• Front	20 Feet	122 Feet	Y
• Side	10 Feet	98 Feet	Y
• Corner	15 Feet	NA	NA
• Rear	20 Feet	78 Feet	Y
Max. Lot Coverage	50 %	28%	Y
Max. Building Height	N/A	27 feet, 8 inches (3 stories)	Y
Trash Enclosure	Covered/screened	Existing trash enclosure screened	Y
Mech. Equipment	Covered/screened	None shown*	Y

**Although this is an existing facility, no mechanical equipment is shown regarding the areas of expansion on the provided plans. A condition of approval requiring that all mechanical equipment be screened from view has been included.*

Pursuant to Title 19.08.060 the following standards apply.

Residential Adjacency Standards	Required/Allowed	Provided	Compliance
3:1 proximity slope	72 feet 6 inches	72 feet 8 inches	Y
Adjacent development matching setback	NA	NA	NA
Trash Enclosure	50 feet	200 feet	Y

Pursuant to Title 19.12 the following standards apply.

Landscaping and Open Space Standards				
Standards	Required		Provided	Compliance
	Ratio	Trees		
Parking Area	1 Tree/6 Spaces	106 Trees	Zero	N*
Buffer:	1 Tree/ 20 Linear Feet	29 Trees**	29 Trees	Y
Min. Trees	1 Tree/ 30 Linear Feet	21 Trees***	14 Trees	N
TOTAL		50 Trees	43 Trees	N
Min. Zone Width	8 Feet		Zero	N
Wall Height	6 Feet		8 Feet	Y

**The parking lot for this automobile dealership does not have parking lot trees because it was constructed prior to the parking lot tree requirements per Title 19.12.*

***One tree per 20 linear feet must be provided on commercially zoned properties adjacent to residential. This standard was increased to 29 on conditional of approval to Z-99-96*

***One tree per 30 linear feet must be provided for the remaining eastern, western, and southern perimeter. Z-99-96 approved a waiver to allow 17 trees where 21 were required. The reduction in trees came from an expansion into the landscape areas for unauthorized display areas.

Pursuant to Title 19.10, the following parking standards apply:

Use	Gross Floor Area or Number of Units	Required			Provided		Compliance
		Parking Ratio	Parking		Parking		
			Regular	Handi-capped	Regular	Handi-capped	
Auto Dealership	48,500 sq ft	1 stall per 500 sq ft GFA	97				
Auto Repair	59,790 sq ft	5 stalls + 1 per 200 sq ft GFA	304				
Employee Parking			150*				
SubTotal			551	12	864	16**	N
TOTAL			551		880		Y
Loading Spaces			4		0		N

* 150 Spaces are required per condition #12 of Z-99-96 for employee parking.

** Per Title 19.10, for parking lots totaling 500 to 1,001 provided parking spaces, the total number of accessible parking required is determined by taking 2% of the total provided. As the applicant is providing 880 spaces, the required number of accessible spaces is 18.

Waivers		
Request	Requirement	Staff Recommendation
Zero feet of landscape buffer along the western perimeter where eight feet is required.	Eight feet of landscape buffer is required along the interior perimeter and 15 feet is required along the public ROW.	Denial
43 trees where 50 are required	1 Tree/ 20 Linear Feet adjacent to residentially zoned property. 1 Tree/ 30 Linear Feet adjacent to public ROWs	Denial

ANALYSIS

The applicant proposes a 41,680 square foot expansion to the existing Automobile Dealership. The cumulative total area of the expansion and existing dealership is approximately 108,290 square feet. A significant issue regarding this Site Plan Review is the auto body repair shop proposed within the northern 200-feet of the site that has been restricted to the parking of vehicles only.

- **General Plan/ Zoning**

The subject property is located within the GC (General Commercial) Land Use area as shown on the Southwest Sector Map of the General Plan and is in the C-2 (General Commercial) Zoning District. Although an expansion could be compatible with the established land use patterns along Sahara Avenue, this proposal revisits the potential conflicts with the single family homes to the north of the site. The original Rezoning (Z-99-96) mitigated this conflict through the requirement of a 200-foot building restriction along the north of the site and landscape screening.

- **Site Plan (Z-0099-96)**

As condition of approval #3, a portion of the proposed expansion is within an area that was conditionally restricted to parking only. The restriction of building in this area was initially placed so as to prevent the construction of a service facility within close proximity to the residential neighborhood adjacent to the north of the subject property. A Review of Conditions (ROC-17721) has been submitted in response the 200-foot site restriction.

The proposed 41,680 square foot expansion has provided no remedy or design alternative to the detrimental use addressed in Condition #3 of the approved Rezoning and concurrent Site Plan Review Z-99-96 other than to remove this condition. As this condition was specifically placed to protect the neighbors from any further commercial expansion towards their homes, staff is recommending denial.

- **Elevations & Residential Adjacency**

There is the possibility of a potential design problem with the elevated parking deck of the new service bay addition. The privacy of the rear yards within the residential neighborhoods to the north could be compromised by employees and customers looking down from the parking area. There is an existing 12-foot landscape buffer with trees providing additional screening; however, there still may be a possibility of visual intrusion, leading to an undesirable or obnoxious situation for the affected neighbors to the immediate north.

- **Landscaping**

The proposed expansion also requires waivers to both the perimeter and parking lot landscape requirements as the additional square footage will increase the total parking requirement. This increase in gross floor area will thus have a significant impact to the overall site design.

Site Development Plan Review Z-99-96 approved a waiver to allow 17 trees where 21 were required. Since that approval a further reduction in trees resulted from an unauthorized expansion into the landscape areas for display areas. The applicant was cited by Code Enforcement at which point the applicant submitted a request for a Site Development Plan Review (SDR-12032) to keep four cement landscape display pads in the front landscape perimeter buffer area and a waiver to perimeter landscape standards. Planning Commission denied the request.

As the increased intensity is not being tempered with any additional landscaping to an already landscape-deficient site, staff is recommending denial.

FINDINGS

The following findings must be made for an SDR:

1. **The proposed development is compatible with adjacent development and development in the area;**

Without approval of Condition #3 of the approved Site Plan (Z-99-96) the proposed development is incompatible with adjacent single-family residential development to the immediate north of the project. Out of concern for the detrimental impact that an auto repair facility would have so close to residentially zoned property, the Planning Commission approved the previous Site Development Plan Review with the explicit condition to restrict that area to parking only. Staff continues to support this by recommending denial.

2. **The proposed development is consistent with the General Plan, this Title, the Design Standards Manual, the Landscape, Wall and Buffer Standards, and other duly-adopted city plans, policies and standards;**

The proposed expansion of the existing development is consistent with the General Plan and Title 19.04 and 19.08. However, per 19.12 Landscape, Wall and Buffer Standards, a request for a waiver for the absence of adequate landscape buffers and limited parking lot landscaping is required. Therefore the application request is not compliant with Title 19 in entirety.

3. **Site access and circulation do not negatively impact adjacent roadways or neighborhood traffic;**

The existing site access and circulation has not negatively impacted adjacent roadways or neighborhood traffic in the past ten years since approval. There is little expected increase on traffic with the proposed expansion.

4. Building and landscape materials are appropriate for the area and for the City;

Although the existing landscape materials are appropriate for this area and for the City; overall there is a significant deficiency in provided quantities of landscaping material.

5. Building elevations, design characteristics and other architectural and aesthetic features are not unsightly, undesirable, or obnoxious in appearance; create an orderly and aesthetically pleasing environment; and are harmonious and compatible with development in the area;

Although the proposed building elevations are compliant with the residential adjacency standards as listed in Title 19.08, the provided elevations only depict the view of the proposed addition as being screened from the residential side of the adjacent properties. No mention has been given as to ensuring the privacy of the rear yards within the residential neighborhoods as seen from the elevated parking deck of the new service bay addition. A potential design problem may possibly lead to an undesirable or obnoxious situation for the affected neighbors to the immediate north.

6. Appropriate measures are taken to secure and protect the public health, safety and general welfare.

The appropriate measures are taken in securing and protecting the public health, safety and general welfare through the inspections required of Building and Safety for all commercial construction, through the Business Licensing Division for all licensed commercial activity, and through Code Enforcement for the general application of the Las Vegas Municipal Code.

PLANNING COMMISSION ACTION

The Planning Commission added condition #14 as shown.

NEIGHBORHOOD ASSOCIATIONS NOTIFIED 3

ASSEMBLY DISTRICT 5

SENATE DISTRICT 8

NOTICES MAILED 273 by Planning Department

APPROVALS 1

PROTESTS 34